

09/945,376

cofe

Attorney Docket No. 1270

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number : 6,861,577 B2  
Issued : March 1, 2005  
Name of Patentee : Acevedo, et al.  
Title of Invention : Promoter of a Maize Major Latex Protein Gene and  
Methods of Using it to Express Heterologous Nucleic  
Acids in Transformed Plants

Attention Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT  
FOR PTO MISTAKE (37 CFR 1.322(a))**

1. Attached, in duplicate, is Form PTO/SB/44, with at least one copy being suitable for printing.
2. The exact page and line number where the errors are shown correctly in the application file are:

Cover page (57) ABSTRACT is shown correctly on page 2 of the Examiner's Amendment attached to the Notice of Allowance.

Column 43, Line 12 is shown correctly on page 3 of the Examiner's Amendment attached to the Notice of Allowance.

Column 43, Line 23 is shown correctly on Page 5 of the Amendment filed May 30, 2003.

Column 43, Line 29 is shown correctly on page 3 of the Examiner's Amendment attached to the Notice of Allowance.

Column 44, Line 11 is shown correctly on page 3 of the Examiner's Amendment attached to the Notice of Allowance.

**Certificate**  
MAR 18 2005  
**of Correction**

MAR 21 2005

Column 44, Line 28 is shown correctly on Page 7 of the Amendment filed May 30, 2003.


Column 44, Line 30 is shown correctly on page 4 of the Examiner's Amendment attached to the Notice of Allowance.

Column 44, Line 46 is shown correctly on Page 7 of the Amendment filed May 30, 2003.

3. Please send the Certificate to:

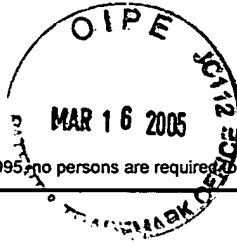
Name Louise A. Foutch  
Address: Pioneer Hi-Bred International, Inc.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000

Respectfully submitted,

  
Louise A. Foutch

Attorney for Applicant(s)  
Registration No. 37,133

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 248-4835  
Facsimile: (515) 334-6883



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Louise A. Foutch  
Signature

Louise A. Foutch  
Typed or printed name of person signing Certificate

37,133  
Registration Number, if applicable

515-248-4835  
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- 1. Request for Certificate of Correction of Patent for PTO Mistake (37 CFR 1.322(a)) (1 copy)
- 2. PTO/SB/44 - Certificate of Correction (2 copies)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

### CERTIFICATE OF CORRECTION

PATENT NO : 6,861,577 B2

DATED : Mar. 1, 2005

INVENTOR(S) : Pedro A. Navarro Acevedo; Carl R. Simmons; John T. Tossberg, Nasser Yalpani

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**Cover page (57) ABSTRACT**

The invention is drawn to the promoter of a major latex protein gene from maize, which is pathogen-activated. The promoter can be used in methods of expressing a heterologous DNA sequence in plants.

**Column 43, Line 12**

1. An isolated nucleic acid molecule comprising SEQ ID NO: 3.

**Column 43, Line 23**

2. A DNA construct comprising the nucleotide sequence of

**Column 43, Line 29**

5. A method for expressing a heterologous nucleotide sequence in a plant, wherein said method comprises transforming a plant cell with the DNA construct of claim 2, and regenerating a stably transformed plant from said plant cell.

**Column 44, Line 11**

9. A plant cell stably transformed with the DNA construct of claim 2.

**Column 44, Line 28**

12. The plant cell of claim 9, wherein said plant cell is from

**Column 44, Line 30**

13. A plant stably transformed with the DNA construct of claim 2.

**Column 44, Line 46**

17. Transformed seed of the plant of any one of claims 13-16, wherein the seed comprises the DNA construct.

MAILING ADDRESS OF SENDER: Pioneer Hi-Bred International, Inc.  
7100 N.W. 62<sup>nd</sup> Ave.  
P.O. Box 1000  
Johnston, Iowa 50131-1000

PATENT NO. 6,861,577 B2

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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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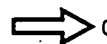
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